

Preliminary Draft Proposed Phase II Municipal Storm Water Permit

EPA Region 10 Template September 2005

The Environmental Protection Agency (EPA) has developed this preliminary draft permit template for Phase II Municipal Separate Storm Sewer System (MS4) Permits for Idaho, Indian Country and federal facilities in Washington State.

This template represents both the common format and content for all individual NPDES permits that will be developed by EPA Region 10 for regulated Phase II MS4s.

This template is provided for informational purposes only, so that the regulated community is aware of typical Phase II MS4 permit requirements. This preliminary draft is a work in progress. The actual Phase II MS4 NPDES permit drafted for an individual applicant may differ from this template based on the unique watershed needs or urban area characteristics.

Red text in the template indicates additional requirements that may appear in individual permits in geographic areas with 1) Total maximum daily load (TMDL) waste load allocations for urban storm water, 2) Threatened or endangered species or critical habitat, and/or 3) Priority watershed status.

For more information, questions or comments on this preliminary draft, contact:

U.S. EPA Region 10 – Storm Water Program
Office of Water and Watersheds, NPDES Permits Unit
1200 6th Avenue (OWW-130)
Seattle, WA 98101

(800) 424-4372, extension 6393
(206) 553-6393

<http://www.epa.gov/region10/stormwater.htm>

United States Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems

**Authorization to Discharge Under the
National Pollutant Discharge Elimination System**

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 *et seq.*, as amended by the Water Quality Act of 1987, P.L. 100-4, the “Act”,

XXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
(hereinafter “permittee”)

are authorized to discharge from all municipal separate storm sewer system (MS4) outfalls existing as of the effective date of this permit to receiving waters which include XXXX, XXXX, and other associated waters of the United States within the XXXX Urbanized Area, in accordance with the conditions and requirements set forth herein.

This permit shall become effective *insert date*

This permit and the authorization to discharge shall expire at midnight, *insert date*

The permittee shall reapply for a permit reissuance on or before *insert date*, 180 days before the expiration of this permit if the permittee intends to continue operations and discharges from the MS4 beyond the term of this permit.

Signed this day of

TEMPLATE

Michael F. Gearheard, Director
Office of Water and Watersheds

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I. APPLICABILITY

A. Permit Area

This permit covers all areas within the XXXXXXXXX Urbanized Area served by the municipal separate storm sewer systems (MS4s) owned or operated by XXXXXXXXX (“permittee”).

B. Discharges Authorized Under This Permit

During the effective dates of this permit, the permittee is authorized to discharge storm water to waters of the United States from all portions of the MS4 located within the XXXXXXXXX Urbanized Area that are owned and operated by the permittee subject to the conditions set forth herein. This permit also authorizes the discharge of storm water commingled with process wastewater, non-process wastewater, and storm water associated with industrial activity, provided that the storm water is only commingled with those discharges set forth in Part I.C of this permit.

C. Limitations on Permit Coverage

1. **Non-Storm Water Discharges.** The permittee is not authorized to discharge non-storm water, except where such discharges satisfy one of the following three conditions:
 - a) The non-storm water discharges are in compliance with a separate NPDES permit;
 - b) The non-storm water discharges result from a spill and:
 - (i) are the result of an unforeseen weather event where reasonable and prudent measures have been taken to minimize the impact of such discharge; or
 - (ii) consist of emergency discharges required to prevent imminent threat to human health or severe property damage, provided that reasonable and prudent measures have been taken to minimize the impact of such discharges.
 - c) The non-storm water discharges satisfy each of the following two conditions:
 - (i) The discharges consist of uncontaminated water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration

(as defined at 40 CFR§ 35.2005(20)), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensate, irrigation water, springs, water from crawlspace pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, residential building wash waters without detergents, and flows from emergency firefighting activities; and

- (ii) The discharges are not sources of pollution to waters of the United States. A discharge is considered a source of pollution to waters of the United States if it:
 - (a) Contains hazardous materials in concentrations found to be of public health significance or to impair designated beneficial uses (hazardous materials are those that are harmful to humans and animals from exposure, but not necessarily ingestion);
 - (b) Contains toxic substances in concentrations that impair designated beneficial uses. (toxic substances are those that can cause disease, malignancy, genetic mutation, death, or similar consequences);
 - (c) Contains deleterious materials in concentrations that impair designated beneficial uses (deleterious materials are generally substances that taint edible species of fish, cause taste in drinking waters, or cause harm to fish or other aquatic life);
 - (d) Contains radioactive materials or radioactivity at levels exceeding the values listed in 10 CFR Part 20;
 - (e) Contains floating, suspended, or submerged matter of any kind in concentrations causing nuisance or objectionable conditions or in concentrations that may impair designated beneficial uses;
 - (f) Contains excessive nutrients that can cause visible slime growths or other nuisance aquatic growths that impair designated beneficial uses;

- (g) Contains oxygen-demanding materials in concentrations that would result in anaerobic water conditions; or
 - (h) Contains sediment above quantities specified in [IDAPA 58.01.02.250 and .02.252](#), or in the absence of specific sediment criteria, above quantities that impair designated beneficial uses.
- 2. **Discharges Threatening Water Quality.** The permittee is not authorized to discharge storm water that the Director determines will cause, or have the reasonable potential to cause or contribute to, violations of water quality standards.
- 3. **Discharge Compliance with Anti-Degradation Policy.** The permittee is not authorized to discharge storm water that does not comply with Idaho's anti-degradation policy for water quality standards. Idaho's anti-degradation policy, [IDAPA 58.01.02.051](#), can be obtained from the Idaho Department of Environmental Quality (IDEQ) at the address listed in Part IV.D.
- 4. **Snow Disposal to Receiving Waters.** The permittee is not authorized to dispose of snow directly to waters of the United States or directly to the MS4(s).

II. STORM WATER MANAGEMENT PROGRAM REQUIREMENTS

A. General Requirements

- 1. The permittee must develop, implement, and enforce a Storm Water Management Program (SWMP) designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable (MEP) and to protect water quality. The SWMP is the set of actions and activities comprising the components listed in Parts II.B and II.C, and the annual report, and must include BMPs, control techniques, system design, engineering methods, and other provisions appropriate for the control of pollutants in discharges from the MS4.
- 2. The SWMP developed by the permittee, which was submitted in the application submitted to EPA and is reflected in the terms of this permit, must be updated as necessary and/or as required by EPA to ensure compliance with this permit and Section 402(p)(3)(B) of the Clean Water Act, 33 U.S.C. §1342(p)(3)(B). Modifications to the SWMP must be made in accordance with Part II.D of this permit. The SWMP submitted to EPA by the co-permittees, and all approved updates made in accordance with Part II.D of this permit, are hereby incorporated by reference. All

components and requirements of the SWMP are enforceable as conditions of this permit.

3. The permittee must submit any plan revisions or documents that require review and approval by EPA and IDEQ to the addresses listed in Part IV.D, and in accordance with Parts II.D and/or IV.A.2 of this permit. Within sixty (60) days of receipt of such plans or documents, and after consultation with IDEQ, EPA shall have the right to disapprove or require modifications for the approval of such plans or documents. If EPA does not disapprove or require modifications for the approval of the plans or documents within 60 days, such plans or documents are deemed approved.
4. The SWMP must include each of the minimum control measures in Part II.B. The permittee must implement a SWMP that provides:
 - a) BMPs that are selected, implemented, maintained and updated to ensure that storm water discharges do not cause or contribute to an exceedance of an applicable numeric or narrative water quality standard; and
 - b) Measurable goals, including interim milestones, for each BMP. Unless otherwise specified, program development and implementation schedules must provide for full implementation of a complete SWMP as soon as practicable, but no later than five years from the effective date of this permit. Interim progress in accomplishing the activities must be made over the five year permit term.
5. The SWMP shall include coordination between the permittee and other permittees in the watershed to encourage coordinated storm water-related policies, programs, and projects within the watershed. The SWMP shall also include coordination among departments within each jurisdiction to ensure compliance with the terms of this permit.
6. Implementation of one or more of the minimum measures may be shared with another entity that is not subject to this permit, or the entity may fully take over the measure. The permittee may rely on another entity only if:
 - a) The other entity, in fact, implements the control measure;
 - b) The control measure, or component of that measure, is at least as stringent as the corresponding permit requirement; and
 - c) The other entity agrees to implement the control measure on the permittee's behalf. A legally binding written acceptance of this obligation is required. The permittee must maintain this obligation as part of the SWMP description. If the other entity agrees to report on the minimum measure, the permittee must supply the

other entity with the reporting requirements in Part IV.C. of this permit. The permittee remains responsible for compliance with the permit obligations if the other entity fails to implement the control measure.

B. Discharges to Water Quality Impaired Receiving Waters

1. The permittee must determine whether storm water discharges from any part of the MS4s contribute pollutants of concern, either directly or indirectly, to any CWA §303(d) listed water bodies, **including XXXXXXXX and XXXXXXXX. “Pollutant(s) of concern” refer to the pollutant(s) identified as causing the water quality impairment. For the water bodies set forth above, the pollutants of concern include XXXXXXXX and XXXXXXXX.**
2. No later than one year from the effective date of this permit, the permittee’s SWMP must include a section describing how the selected BMPs identified by the permittee control the discharge of pollutants of concern, and ensure that the MS4 discharges will not cause an in-stream violation of the water quality standards. This discussion must specifically identify how the BMPs will collectively control the discharge of the pollutant(s) of concern. The permittee must submit this section of the SWMP to EPA and IDEQ as part of the first Annual Report required in Part IV.C.

C. Minimum Control Measures

The six minimum control measures that must be included in the SWMP are:

1. Public Education and Outreach

- a) Within XX year(s) of the effective date of this permit, the permittee must implement a public education program to educate the community about the impacts of storm water discharges on local water bodies and the steps that citizens and businesses can take to reduce pollutants in storm water runoff.
- b) - ? (Other public education/outreach activities outlined in the application or determined by the permitting authority to be appropriate. Examples include distributing materials or presenting information to the newspaper, to targeted sectors, and to schools)

2. Public Involvement/Participation

- a) The permittee must comply with applicable State and local public notice requirements when implementing a public involvement/participation program.

- b) The permittee must make all relevant SWMP documents and all Annual Reports available to the public. Within XX year(s) of the effective date of this permit, all SWMP documentation and Annual Reports must be posted on the permittee's website.
- c) - ? (Other public involvement/participation activities outlined in the application or determined by permitting authority to be appropriate. Examples include establishing "Adopt a Stream," "Adopt a Street," and/or Litter Cleanup programs; conducting an open house to solicit input on SWMP; implementing a storm water hotline program, conducting a citizen survey to gauge attitudes, conducting storm drain stenciling program)

3. Illicit Discharge Detection and Elimination

An illicit discharge is any discharge to an MS4 that is not composed entirely of storm water. Exceptions are described in Part I.C of this permit.

- a) No later than XX year(s) from the effective date of this permit, the permittee must develop a comprehensive storm sewer system map. At a minimum, the map must show jurisdictional boundaries, the location of all inlets and outfalls, names and locations of all waters that receive discharges from those outfalls, and locations of all municipally-owned and operated facilities, including public and private snow disposal sites. A copy of the completed map must be submitted to EPA and IDEQ as part of the corresponding Annual Report.
- b) No later than XX year(s) from the effective date of this permit, the permittee must effectively prohibit non-storm water discharges into its system through an ordinance or other regulatory mechanism to the extent allowable under state or local law. The permittee must implement appropriate enforcement procedures and actions, including enforcement escalation procedures for recalcitrant or repeat offenders.
- c) No later than XX year(s) from the effective date of this permit, the permittee must develop and implement a program to detect and eliminate illicit discharges to the MS4. Specifically, the program must incorporate detection, identification of the source, and removal of non-storm water discharges, including illegal dumping, into the storm sewer system. A training program for city, county and ITD staff on how to respond to reports of illicit discharges must be part of this program.
- d) No later than XX year(s) from the effective date of this permit, the permittee must include in its SWMP a strategy for informing public employees, businesses, and the general public of hazards

associated with illegal discharges and improper disposal of waste. The permittee must have implemented this information-sharing strategy no later than XX years from the effective date of this permit.

- e) - ? (Other illicit discharge and elimination activities outlined in the application or determined by permitting authority to be appropriate. Examples include dry weather field screening, hazardous waste disposal program at the local landfill, and distribution of outreach materials on illicit discharge hazards.)
- f) No later than XX years from the effective date of this permit, the permittee must inventory all industrial facilities that discharge directly into the MS4 or waters of the United States within the XXXXXXXX Urbanized Area. The types of industrial facilities that must be inventoried are set forth in 40 CFR §122.26(b)(14)(i) through (xi). This inventory must include the location of the facility, the location of its outfall, and its NPDES permit coverage status for its storm water discharges.

4. Construction Site Storm Water Runoff Control

- a) No later than XX year(s) from the permit effective date, the permittee must develop, implement, and enforce a program to reduce pollutants in any storm water runoff to the MS4 from construction activities resulting in land disturbance of greater than or equal to one acre. This program must include controls for pollutants in such storm water discharges from activity disturbing less than one acre, if that construction activity is part of a larger common plan of development or sale that disturbs one acre or more. Through this program, the permittee must provide adequate direction to representatives of proposed new development and redevelopment construction projects regarding the NPDES General Permit for Storm Water Discharges for Construction Activity in Idaho, #IDR10-0000 (Construction General Permit).

If EPA waives the permit requirements for storm water discharges associated with a specific small construction activity (i.e., a single project) in accordance with 40 CFR §122.26(b)(15)(i)(A) or (B), the permittee is not required to develop, implement, and/or enforce the program to reduce pollutant discharges from that particular site.

- b) No later than XX year(s) from the effective date of this permit, the permittee must adopt an ordinance or other regulatory mechanism to the extent allowable under state or local law that requires construction site operators to practice appropriate erosion, sediment and waste control. This ordinance or regulatory mechanism must include sanctions to ensure compliance. The

permittee may evaluate all existing procedures, policies, and authorities pertaining to activities occurring on their property that may be used to assist in the development of the required regulatory mechanism.

- c) No later than XX year(s) from the effective date of this permit, the permittee must publish and distribute local requirements for construction site operators to implement appropriate erosion and sediment control BMPs and to control waste such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste at the construction site that may cause adverse impacts to water quality.
- d) No later than XX year(s) from the effective date of this permit, the permittee must develop procedures for reviewing all site plans for potential water quality impacts, including erosion and sediment control, control of other wastes, and any other impacts that must be examined according to the requirements of the law, ordinance, or other enforceable mechanism of Part II.C.4.b. These procedures must include provisions for receipt and consideration of information submitted by the public.
- e) No later than XX year(s) from the effective date of this permit, the permittee must develop and implement procedures for site inspection and enforcement of control measures established as required in Parts II.B.4.b and c, including enforcement escalation procedures for recalcitrant or repeat offenders. The permittee shall inspect all construction sites in its jurisdiction for appropriate erosion/sediment/waste control at least once per year/construction season.
- f) The permittee must ensure all public construction projects operated by their organizations comply with the Construction General Permit and all relevant local requirements for erosion, sediment and onsite materials control.
- g) - ? (Other construction site storm water control activities outlined in the application or determined by permitting authority to be appropriate. Examples include training sessions for local construction/design/engineering audience and a program incorporating procedures for receiving, tracking, and considering information provided by the public regarding sediment control concerns at construction sites.)

5. Post-Construction Storm Water Management in New Development and Redevelopment

- a) Within XX year(s) of the effective date of this permit, the permittee must develop, implement, and enforce requirements to address post-construction storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre (including projects less than one acre that are part of a larger common plan of development or sale) and discharge into the MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts.
- b) No later than XX year(s) from the effective date of this permit, the permittee must publish and distribute a BMP design manual for post-construction storm water management, which includes a list of strategies reflecting a combination of structural and/or non-structural BMPs appropriate to the MS4(s). This design manual must include, but is not limited to, requirements for the appropriate design and construction of snow disposal sites, septic systems, and parking lots.
- c) No later than XX year(s) from the effective date of this permit, the permittee must adopt an ordinance or other regulatory mechanism to the extent allowable under state or local law to address post-construction runoff from new development and redevelopment projects.

If such requirements do not currently exist, development and adoption of a mechanism must be part of the program. The permittee must evaluate existing procedures, policies, and authorities pertaining to activities occurring on its property that may be used to assist in the development of the required regulatory mechanism.

- d) No later than XX year(s) from the effective date of this permit, the permittee must develop and implement a site plan review process and site inspection program to ensure proper long-term operation and maintenance of post-construction storm water management controls.
- e) - ? (Other post-construction storm water management activities in areas of development or redevelopment outlined in the application or determined by permitting authority to be appropriate. Examples include conducting training for local developers, engineers and the public regarding the requirements of the BMP design manual and local ordinance(s), and performing demonstration and/or pilot projects of BMPs outlined in the design manual, such as installing pervious pavement.)

6. Pollution Prevention and Good Housekeeping for Municipal Operations

Idaho Draft Template – September 2005

- a) Within XX year(s) of the effective date of this permit, the permittee must develop and implement an operation and maintenance program intended to prevent or reduce pollutant runoff from municipal operations such as parks, golf courses and open space; fleet maintenance and vehicle washing; new construction or land disturbance; building oversight; planning; and storm water system maintenance. This program must include an employee training component.
- b) - ? (Other pollution prevention and good housekeeping for municipal operations activities outlined in the application or determined by permitting authority to be appropriate. For example, the municipal employee training will address some or all of the following activities: street cleaning and maintenance; solid waste transfer activities; water treatment plant operations; materials storage; hazardous materials storage; used oil recycling; spill control and prevention measures for municipal refueling facilities; storm water system maintenance; snow removal practices, and snow disposal site operation and maintenance. Other examples include requiring studies of effectiveness of current municipal operations such as street cleaning operations, catch basin cleaning operations, and street sanding and salt practices; requiring studies examining the existing practices for the disposal of waste removed from the MS4 and the MS4 operations; and ensuring that new flood management projects are assessed for impacts on water quality and existing projects are assessed for incorporation of additional water quality protection devices or practices.)

D. Reviewing and Updating the SWMP

- 1. The permittee must annually review its SWMP as part of the preparation of the Annual Report required under Part IV.C.
- 2. The permittee may change the SWMP during the life of the permit according to the following procedures:
 - a) Changes adding (but not subtracting or replacing) components, controls, goals, or requirements to the SWMP may be made at any time upon written notification to the EPA and IDEQ.
 - b) Changes replacing an ineffective or infeasible BMP or measurable goal specifically identified in the SWMP with an alternate management practice may be requested at any time. Unless denied by EPA in accordance with the criteria set forth below, proposed changes shall be deemed approved and may be implemented sixty (60) days after submitting the request. If the request is denied, EPA will send a written response giving a reason for the decision. Modification requests to EPA must include:

- (i) An analysis of why the BMP or goal is ineffective, infeasible, or cost prohibitive;
 - (ii) Expectations on the effectiveness of the replacement BMP or goal; and
 - (iii) An analysis of why the replacement BMP or goal is expected to better achieve the SWMP requirements.
- c. Change requests or notifications must be made in writing and signed by the permittee in accordance with Part VI.E.
- d. Documentation of the minimum control measures as required by the SWMP must be submitted to EPA upon request. EPA may review and subsequently notify the permittee that changes to the SWMP are necessary to:
 - (i) Address discharges from the MS4 that are causing or contributing to water quality impacts;
 - (ii) Include more stringent requirements necessary to comply with new federal or state statutory or regulatory requirements;
 - (iii) Include other conditions deemed necessary by EPA to comply with water quality standards, and/or other goals and requirements of the CWA; or
 - (iv) Address the SWMP requirements of the permit, if EPA determines that the permittee's current SWMP does not meet permit requirements.
- e) If EPA notifies the permittee that changes are necessary pursuant to Part II.D.2.d, the notification will offer the permittee an opportunity to propose alternative program changes to meet the objectives of the requested modification. Following this opportunity, the permittee must implement any required changes according to the schedule set by EPA.

E. Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation

The permittee must implement the SWMP in all new areas added or transferred to the permittee's MS4 (or for which the permittee becomes responsible for implementation of storm water quality controls) as expeditiously as practicable, but not later than one year from the date upon which the new areas were added.

Such additions and schedules for implementation must be documented in the next Annual Report following the transfer.

F. SWMP Resources

The permittee must provide adequate finances, staff, equipment and other support capabilities to implement its activities under the SWMP.

III. SCHEDULE FOR IMPLEMENTATION AND COMPLIANCE

Table III.A Storm Water Management Program - Schedule for Implementation and Compliance		
Part of Permit	Storm Water Management Program Component	Compliance Date
<i>General Requirements</i>		
Part II.B.2	Submit to EPA a written description of how SWMP activities control the discharge of XXXX and XXXX (pollutants of concern) to waters of the U.S. from the MS4	One year from the effective date of this permit
Part II.B	Identify how the SWMP specifically addresses the pollutants of concern in the XXXXXX watershed	One year from the permit effective date
Parts II.D and IV.C	Conduct an annual review of SWMP implementation and submit an Annual Report to EPA and IDEQ	One year from the effective date of this permit, then annually thereafter
Part IV.A	Prepare a Monitoring Program Plan including Quality Assurance Plan, and submit written notice to EPA and IDEQ; Begin quarterly monitoring at X outfalls	270 days from the permit effective date; within 13 months of permit effective date
<i>Public Education and Outreach (40 CFR §122.34(b)(1))</i>		
Part II.C.1	Implement a public education program to educate the community about the impacts of storm water discharges on local water bodies and the steps that citizens and businesses can take to reduce pollutants in storm water runoff (II.C.1.a)	XX year(s) from effective date of this permit
<i>Public Involvement and Participation (40 CFR §122.34(b)(2))</i>		
Part II.C.2	Post all SWMP documentation and Annual Reports on the permittee's website (II.C.2.b)	XX year(s) from effective date of this permit
<i>Illicit Discharge Detection and Elimination (40 CFR §122.34(b)(3))</i>		
Part II.C.3	Develop/update the permittee's comprehensive storm sewer system map (II.C.3.a)	Within XX year(s) of the effective date of this permit
	Adopt an ordinance or other control measure to prohibit illicit discharges to the MS4(s); prohibit any specific non-storm water discharge, if necessary (II.C.3.b)	Within XX year(s) of the effective date of this permit

Table III.A, continued Storm Water Management Program - Schedule for Implementation and Compliance		
Part of Permit	Storm Water Management Program Component	Compliance Date
<i>Illicit Discharge Detection and Elimination (40 CFR §122.34(b)(3))</i>		
Part II.C.3	Develop, implement and enforce a program to detect and eliminate illicit discharges into the MS4. (II.C.3.c)	Within XX year(s) of the effective date of this permit
	Include in the SWMP a strategy for informing public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste (II.C.3.d)	Within XX year(s) of the effective date of this permit
	Inventory the industrial facilities discharging storm water within the Urbanized Area (II.C.3.f)	Within XX year(s) of the effective date of this permit
<i>Construction Site Storm Water Runoff (40 CFR §122.34(b)(4))</i>		
Part II.C.4	Develop, implement and enforce a construction site runoff control program for sites disturbing one or more acres of land (II.C.4.a)	Within XX year(s) of the effective date of this permit
	Adopt an ordinance or other control measure to require construction site operators to practice erosion, sediment and waste control (II.C.4.b)	Within XX year(s) of the effective date of this permit
	Publish and distribute written requirements for construction site best management practices for new building and service area construction. (II.C.4.c)	Within XX year(s) of the effective date of this permit
	Develop procedures for reviewing site plans and accepting public comment (II.C.4.d)	Within XX year(s) of the effective date of this permit
	Develop site inspection & enforcement procedures (II.C.4.e)	Within XX year(s) of the effective date of this permit
<i>Post-Construction Storm Water Management (40 CFR §122.34(b)(5))</i>		
Part II.C.5	Develop and implement a program to address post-construction storm water runoff from new development and redevelopment projects (II.C.5.a)	Within XX year(s) of the effective date of this permit
	Publish and distribute a BMP design manual for post-construction storm water management, which includes a list of strategies reflecting a combination of structural and/or non-structural BMPs appropriate to the MS4(s) (II.C.5.b)	Within XX year(s) of the effective date of this permit

Table III.A, continued Storm Water Management Program - Schedule for Implementation and Compliance		
Part of Permit	Storm Water Management Program Component	Compliance Date
<i>Post-Construction Storm Water Management (40 CFR §122.34(b)(5))</i>		
Part II.C.5	Adopt an ordinance to address post-construction runoff from new development and redevelopment projects (II.C.5.c)	Within XX year(s) of the effective date of this permit
	Develop and implement a site plan review process and site inspection program to ensure proper long-term operation and maintenance of post-construction storm water management controls (II.C.5.d)	Within XX year(s) of the effective date of this permit
<i>Pollution Prevention/Good Housekeeping (40 CFR §122.34(b)(6))</i>		
Part II.C.6	Develop and implement an operation and maintenance program intended to prevent or reduce pollutant runoff from municipal operations (II.C.6.a)	Within XX year(s) of the effective date of this permit
	Develop and conduct appropriate training for municipal personnel (II.C.6.a)	Within XX year(s) of the effective date of this permit, annually thereafter

IV. MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

A. Monitoring

(*** If no TMDL waste load allocation, species of concern, nor priority watershed status ***)

1. At least once annually, the permittee must evaluate its compliance with the permit conditions, the appropriateness of identified BMPs, and progress toward achieving identified measurable goals for each of the minimum control measures. This evaluation of program compliance must be documented in each Annual Report required as described in Part IV.C.
2. When the permittee conducts water quality monitoring, the permittee must comply with the following:
 - a) **Representative monitoring.** All samples and measurements must be representative of the monitored activity;
 - b) **Test Procedures.** Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless otherwise specified; and
 - c) **Discharge Monitoring Report.** Monitoring results must be recorded on a Discharge Monitoring Report (DMR) form (EPA No. 3320-1) or equivalent, and submitted annually for the previous 12-month period along with the Annual Report required in Part IV.C.
 - d) **Monitoring Program Plan including Quality Assurance Requirements.** Within 270 days of the effective date of this permit, the permittee shall develop a Monitoring Program Plan that includes a Quality Assurance/Quality Control (QA/QC) program for all analytical monitoring to be conducted, including but not limited to the activities described in Parts II.B.2 and II.B.3. Prior to beginning any analytical monitoring, the permittee must submit the plan to both EPA and IDEQ for review as described in Part II.A.3. The plan shall be submitted to addresses indicated in Part IV.D.
 - (i) The Quality Assurance Plan (QAP) must be designed to assist in planning for the collection and analysis of water samples in support of the SWMP.
 - (ii) Throughout all sample collection and analysis activities, the permittee must use the EPA-approved QA/QC and chain-

of-custody procedures described in *Requirements for Quality Assurance Project Plans* (EPA/WA/R-5), *Guidance for Quality Assurance Project Plans* (EPA/QA/G-5) and the IDEQ Quality Assurance Plan Checklist. The QAP must be formatted as specified in these documents.

- e) At a minimum, the QAP must include the following:
 - (i) Details on the number of samples, type of sample containers, preservation of samples, holding times, analytical methods, analytical detection and quantitation limits for each target compound, type and number of quality assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements.
 - (ii) Map(s) indicating the location(s) of each sampling point.
 - (iii) Qualification and training of personnel.
 - (iv) Name(s), address(es) and telephone number(s) of the laboratories, used by or proposed to be used by the permittee.
 - f) The permittee must amend this Monitoring Program Plan whenever there is a modification in the sample collection, sample analysis, or other conditions or requirements of the plan.
 - g) Copies of the Monitoring Program Plan must be kept on site and must be made available to EPA and ADEC immediately upon request.
3. Records of monitoring information must include:
- a) The date, exact place, and time the samples or measurements were taken;
 - b) The names(s) of the individual(s) who performed the sampling or measurements;
 - c) The date(s) upon which analysis of each sample was performed;
 - d) The names of the individuals who performed each analysis;
 - e) The analytical techniques or methods used; and

- f) The results of each analysis.
4. If the permittee monitors more frequently than required by this permit, using test procedures approved under 40 CFR Part 136, or as otherwise specified by this permit, the results of this monitoring must be included with the data submitted as part of the Annual Report required by Part IV.C. of this permit.

A. Monitoring

(*** If TMDL waste load allocation, species of concern, or priority watershed status ***)

1. **Monitoring Program Plan.** The permittee must develop and implement a wet-weather monitoring program plan. Within 270 of the effective date of this permit, the permittee must develop a Monitoring Program Plan that includes a Quality Assurance/Quality Control (QA/QC) program for all analytical monitoring to be conducted. Prior to any analytical monitoring, the permittee must submit notification of the plan's completion to both EPA and IDEQ as described in Part II.A.3. The monitoring plan must include the following:
 - a) The date, exact place, and time the samples or measurements were taken;
 - b) Sample frequency;
 - c) Sample volume;
 - d) The name(s) of the individual(s) who performed the sampling or measurements;
 - e) The date(s) upon which analysis of each sample was performed;
 - f) The names of the individuals who performed each analysis;
 - g) The analytical techniques or methods used; and
 - h) The results of each analysis.
2. **Monitoring Program Objectives.** The permittee shall develop a monitoring program that meets the following objectives:
 - a) assess the effectiveness and adequacy of control measures implemented under the SWMP;

- b) identify and prioritize portions of the MS4 requiring additional controls; and
- c) identify water quality improvements or degradation.

The permittee is responsible for conducting any additional monitoring necessary to accurately characterize the quality and quantity of pollutants discharged from the MS4. Improvement in the quality of discharges from the MS4 will be assessed based on the monitoring information required by this section, plus any additional monitoring conducted by the permittee.

3. **Monitoring Requirements**

- a. Within thirteen (13) months of the permit effective date, the permittee must conduct quarterly monitoring. The samples shall be analyzed for the parameters listed in Table IV.A. If the permittee is unable to collect a sample during one quarter, the permittee must collect samples at least four (4) times per year. The samples shall be collected from six (6) sites located throughout the jurisdiction of the permittee. These sites are identified in Table IV.B.
- b. Alternate representative monitoring locations may be substituted if just cause is shown. Requests for approval of alternate monitoring locations shall be made to the EPA in writing and must include the rationale for the requested monitoring relocation. Unless disapproved by the Director of Water and Watersheds Office Director, use of an alternate monitoring location may commence thirty (30) days from the date of the request.
- c. All monitoring results must be recorded on a Discharge Monitoring Report (DMR) form (EPA No. 3320-1) or equivalent, and submitted annually for the previous 12-month period along with the Annual Report required in Part IV.C.

4. **Sample Type, Collection, and Analysis.** The following requirements shall only apply to samples collected for Part IV.A.

- a. A minimum of one grab sample per outfall every three months is required. Samples must be taken as close to immediately following a storm event when feasible.
- b. Analysis and collection of samples shall be done in accordance with the methods specified at 40 CFR Part 136. Where an approved Part 136 method does not exist, and other test procedures have not been specified, any available method may be used after approval from the EPA.

5. Quality Assurance Plan (QAP)

- a) The permittee shall develop a QAP for all monitoring requirements identified in the permit. The plan shall be completed and implemented within 270 days of the effective date of the permit. Any existing QAPs may be modified for use under this section. The permittee must submit a copy of the completed QAP to the Director, Office of Compliance and Enforcement, by December 31, 2005.
- b) Throughout all sample collection and analysis activities, the permittee shall use the EPA-approved quality assurance, quality control, and chain-of-custody procedures described in: *Requirements for Quality Assurance Project Plans*, EPA QA/R-5 and *Guidance on Quality Assurance Project Plans*, EPA QA/G-5. These documents are available on the EPA Region 10 website at <http://www.epa.gov/r10earth/offices/oea/r10qahome.htm> or available by mail at:

Quality and Data Management Program
Office of Environmental Assessment
U.S. EPA, Region 10
1200 6th Avenue, OEA-095
Seattle, Washington 98101-1128

Table IV.A – Representative Monitoring Requirements

PARAMETER	SAMPLING FREQUENCY
XXXXXXXXXX (XX)	Quarterly/Annually
XXXXXXXXXX (XX)	Quarterly/Annually
XXXXXXXXXX (XX)	Quarterly/Annually
XXXXXXXXXX (XX)	Quarterly/Annually
XXXXXXXXXX (XX)	Quarterly/Annually
XXXXXXXXXX (XX)	Quarterly/Annually
XXXXXXXXXX (XX)	Quarterly/Annually

Table IV.B – Representative Monitoring Outfall Descriptions

OUTFALL	LOCATION
XXXXXX	XXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXX	XXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXX	XXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXX	XXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXX	XXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXX	XXXXXXXXXXXXXXXXXXXXXXXXXX

- c. The permittee shall amend the QAP whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QAP.
 - d. Copies of the QAP shall be kept on site and made available to EPA and/or IDEQ upon request.
6. **Sampling waiver.** When the permittee is unable to collect samples required by Part IV.A due to adverse climatic conditions, the permittee must submit a description of why the samples could not be collected, in lieu of sampling data, including available documentation of the event. Adverse climatic conditions that may prohibit the collection of samples include, but are not limited to, weather conditions that create dangerous conditions for personnel (*e.g.*, local flooding, high winds, blizzards, tornadoes, electrical storms, etc.) or conditions that make the collection of a sample impracticable (*e.g.*, drought, extended frozen conditions, etc.)

B. Recordkeeping

1. **Retention of Records.** The permittee must retain records and copies of all information (including all monitoring, calibration and maintenance records and all original strip chart recordings for any continuous monitoring instrumentation, copies of all reports required by this permit, copies of DMRs, a copy of the NPDES permit, and records of all data used to complete the application for this permit) for a period of at least three years from the date of the sample, measurement, report or application, or for the term of this permit, whichever is longer. This period may be extended at the request of the EPA at any time. Records include all information used in the development of the SWMP, all monitoring data, copies of all reports, and all data used in the development of the permit application.
2. **Availability of Records.** The permittee must submit the records referred to in Part IV.B.1 to EPA and IDEQ only when specifically asked to do so. The permittee must retain the SWMP required by this permit (including a copy of the permit language and all Annual Reports) at a location

accessible to the EPA. The permittee must make records, including the permit application and the SWMP, available to the public. The public must be able to view the records during normal business hours. The permittee may charge the public a reasonable fee for copying requests.

C. Annual Reports

1. One year from the effective date of this permit, and annually thereafter, the permittee shall prepare and submit an Annual Report to EPA and IDEQ. Copies of all Annual Reports shall be made available to the public through the municipal library system, a permittee-maintained website, or other easily accessible location. A suggested format for the Annual Report is provided in Appendix A of this permit. The Annual Report must be mailed to the addresses found in Part IV.D. and must include, at a minimum:
 - a) An evaluation of compliance with the requirements of this permit, the appropriateness of identified BMPs, and progress toward achieving identified measurable goals of the SWMP for each minimum control measure;
 - b) Results of any information collected and analyzed during the previous 12-month reporting period, including monitoring data used to assess the success of the program at reducing the discharge of pollutants to the MEP;
 - c) A summary of the activities the permittee plans to undertake during the next reporting cycle (including an implementation schedule) for each minimum control measure;
 - d) Proposed changes and completed changes to the SWMP, including changes to any BMPs or any identified measurable goals for any minimum control measures;
 - e) A description and schedule for implementation of additional BMPs that may be necessary, based on monitoring results, to ensure compliance with applicable water quality standards; and
 - f) Notice if permittee is relying on another entity to satisfy some of the permit obligations, if applicable.
2. The permittee must document the following information related to the SWMP in each Annual Report. If the permittee has not yet completed an item, then the permittee shall describe the plan, progress and schedule for doing so.
 - a) **Public Education and Outreach Annual Reporting**

- (i) Describe all public education program and outreach activities accomplished during the previous calendar year, including at least one copy of each educational material distributed;
- (ii) Describe the methods and frequency of disseminating information;
- (iii) Describe the target audiences and pollutants/ sources that are addressed by the program and how they were selected;
- (iv) Estimate the number of people reached by the program over the previous twelve month period;
- (v) List the measurable goals for the public education and outreach program over the next calendar year, and the dates by which the measurable goals will be achieved; and
- (vi) Identify the person(s) responsible for implementing and coordinating the education activities.

b) Public Involvement Annual Reporting:

- (i) In the first Annual Report only, describe the State or local requirements for public involvement, including how the public was involved in the development of the SWMP submitted with the permit application;
- (ii) Describe the activities and target audiences for public involvement that the program accomplished for the preceding 12 month period;
- (iii) Describe the procedure(s) for receiving and reviewing public comments;
- (iv) Describe the measurable goals for the public involvement/ participation program over the next 12 month period and list dates by which the permittee will accomplish each of the upcoming measurable goals; and
- (v) Identify the person(s) responsible for implementing and coordinating the public involvement/participation activities.

c) Illicit Discharge Detection and Elimination Program Annual Reporting:

- (i) A description of the criteria used to prioritize investigations in areas suspected of having illicit discharges (*e.g.*, targeting older areas of the city, areas of high public

complaints, and areas of high recreational value or high environmental value such as beaches and drinking water sources;

- (ii) A description of procedures used to locate and remove illicit discharges, including detection methods;
- (iii) A summary of all dry weather testing conducted to date, and of permittee activity to remove any illicit discharge(s) identified;
- (iv) A copy of the established ordinance(s) or other regulatory mechanism used to prohibit illicit discharges into the MS4. If the permittee has not yet developed this local requirement, describe the plan and schedule for doing so, as well as any progress towards implementation;
- (v) A description of enforcement policy and jurisdiction. The program must include procedures for coordination with adjacent municipalities and/or state or federal regulatory agencies to address situations where investigations indicate the illicit discharge originates outside the permittee's jurisdiction. Where the permittee lacks legal authority to establish enforceable rules or if an illicit discharger fails to comply with procedures or policies established by the permittee, the program must include procedures for notifying EPA and/or IDEQ for assistance in enforcement of this provision of the permit;
- (vi) A description of the methods used over the previous 12-month period to inform the public and/or train public employees about illicit discharges and the improper disposal of waste;
- (vii) A list of measurable goals for the illicit discharge detection and elimination program for the next 12-month period, and the dates by which the permittee will achieve each of the measurable goals;
- (viii) A list of the industrial facilities that discharge directly into the MS4 or waters of the United States within the XXXXXX Urbanized Area, their locations, the locations of their outfalls, and their NPDES permit coverage status for their storm water discharges; and
- (ix) The name and title of the person(s) responsible for coordination and implementation of the illicit discharge detection and elimination program.

d) Construction Site Runoff Control Annual Reporting

- (i) A copy of the established ordinance or other regulatory mechanism used to require erosion, sediment and waste controls at construction sites;
- (ii) A summary of the number of sanctions and enforcement actions taken by the permittee to ensure compliance with the construction site ordinance during the previous 12-month period. To the extent allowable under the legal authority of the permittee, sanctions should include both monetary and non-monetary penalties
- (iii) A copy of the written requirements for appropriate erosion, sediment and waste control BMPs at construction sites;
- (iv) A summary of the number of site plan reviews conducted;
- (v) A description of the procedures for receipt and consideration of information submitted by the public;
- (vi) A summary of the number of sites inspected during the previous 12 month period, including a description of the site inspection procedures, how sites will be prioritized for inspection, when and how often a site will be inspected;
- (vii) A list of measurable goals for the construction site runoff control program, including dates by which the permittee will achieve each of the measurable goals; and
- (viii) The name and title of the person(s) responsible for coordination and implementation of the construction site runoff control program.

e) Post Construction Storm Water Requirements for New Development and Re-Developed Areas Annual Reporting

- (i) A copy of the BMP design manual containing structural and non-structural BMPs that will be used to manage post-construction runoff from new development and redevelopment projects within the MS4(s). List any specific priority areas for this program;
- (ii) An explanation of the design and performance features of the chosen BMPs that are intended to minimize water quality impacts;

- (iii) A copy of the established ordinance or other regulatory mechanism used to address post-construction runoff control;
- (iv) A description of how the permittee will ensure long-term operation and maintenance of the selected BMPs, including the organizations responsible and their expected operation and maintenance schedule;
- (v) A description of the plans to inform and educate developers and the public about appropriate project designs that minimize water quality impacts;
- (vi) A list of measurable goals for the post-construction runoff control program, including dates by which the permittee will achieve each of the measurable goals; and
- (vii) The name and/or title of the person(s) responsible for coordination and implementation of the post-construction SWMP.

f) Pollution Prevention/Good Housekeeping in Municipal Operations Annual Reporting

- (i) A description of the activities, maintenance schedules, and long-term inspection procedures for controls to reduce pollutants to the MS4;
- (ii) A description of the employee training program used to prevent and reduce storm water pollution including the targeted department personnel, frequency of such training, and a copy of training materials;
- (iii) A summary description of the controls for reducing or eliminating the discharge of pollutants from areas owned or operated by the permittee, including streets, roads, and highways; municipal parking lots; maintenance and storage yards; waste transfer stations; fleet or maintenance shops with outdoor storage areas; salt/sand storage locations; and snow disposal sites operated by the permittee;
- (iv) A list of the industrial facilities that discharge directly into the MS4, their locations, the locations of their outfalls, and whether or not they are subject to EPA's Multi-Sector General Permit (MSGP) or individual NPDES permits for discharges of storm water associated with industrial activity. Include the EPA permit tracking number or a copy of the Industrial Notice of Intent form for each facility, as appropriate;

- (vi) A list of measurable goals for the pollution prevention and good housekeeping program, including dates by which the permittee will achieve each of the measurable goals; and
- (vii) The name and title of the person(s) responsible for coordination and implementation of the pollution prevention and good housekeeping program.

D. Addresses

Submittals required by this permit must be made to the following addresses:

EPA: United States Environmental Protection Agency
Attention: Storm Water Program
NPDES Compliance Unit
1200 6th Avenue (OCE-133)
Seattle, WA 98101

IDEQ: Idaho Department of Environmental Quality
XXXXXXXXXX Regional Office
XXXXXXXXXX
XXXXXXXXXX

V. COMPLIANCE RESPONSIBILITIES

A. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application.

B. Penalties for Violations of Permit Conditions

1. **Civil Penalties.** Pursuant to 40 CFR Part 19 and the Act, any person who violates Section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701) (currently \$32,500 per day for each violation).
 2. **Administrative Penalties.** Any person may be assessed an administrative penalty by the Administrator for violating Section 301, 302, 306, 307, 308,
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318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of this Act. Pursuant to 40 CFR Part 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701) (currently \$11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$32,500). Pursuant to 40 CFR Part 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701) (currently \$11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$157,500).

3. **Criminal Penalties.**

- a) **Negligent Violations.** The Act provides that any person who negligently violates Sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or any requirement imposed in a pretreatment program approved under Section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than one year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than two years, or both.

- b) **Knowing Violations.** Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than three years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than six years, or both.
- c) **Knowing Endangerment.** Any person who knowingly violates Section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in Section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.
- d. **False Statements.** The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or both. The Act further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.

C. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this permit.

D. Duty to Mitigate

The permittee must take all reasonable steps to minimize or prevent any discharge or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

E. Proper Operation and Maintenance

The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

F. Toxic Pollutants

The permittee must comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

G. Planned Changes

The permittee must give notice to the Director and IDEQ as soon as possible of any planned physical alterations or additions to the permitted facility whenever:

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR §122.29(b); or
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in the permit.

H. Anticipated Noncompliance

The permittee must give advance notice to the Director and IDEQ of any planned changes in the permitted facility or activity that may result in noncompliance with this permit.

VI. GENERAL PROVISIONS

A. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause as specified in 40 CFR §§ 122.62, 122.64, or 124.5. The filing of a request by the permittee for a permit modification, revocation and reissuance, termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

B. Duty to Reapply

If the permittee intends to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. In accordance with 40 CFR §122.21(d), and unless permission for the application to be submitted at a later date has been granted by the Director, the permittee must submit a new application at least 180 days before the expiration date of the permit, or in conjunction with the fourth Annual Report. The reapplication package must contain the information required by 40 CFR §122.21(f) which includes: name and mailing address(es) of the permittee(s) that operate the MS4(s), and names and titles of the primary administrative and technical contacts for the municipal permittee(s). In addition, the permittee must identify the identification number of the existing NPDES MS4 permit; any previously unidentified water bodies that receive discharges from the MS4; a summary of any known water quality impacts on the newly identified receiving waters; a description of any changes to the number of applicants; and any changes or modifications to the Storm Water Management Program. The re-application package may incorporate by reference the fourth Annual Report when the reapplication requirements have been addressed within that report.

C. Duty to Provide Information

The permittee must furnish to the Director and IDEQ, within the time specified in the request, any information that the Director or IDEQ may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee must also furnish to the Director or IDEQ, upon request, copies of records required to be kept by this permit.

D. Other Information

When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or that it submitted incorrect information in a permit application or any report to the Director or IDEQ, the permittee must promptly submit the omitted facts or corrected information.

E. Signatory Requirements

All applications, reports or information submitted to the Director and IDEQ must be signed and certified as follows.

1. All permit applications must be signed as follows:
 - a. For a corporation: by a responsible corporate officer.
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
 - c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by the Director or the IDEQ must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above;
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the organization; and
 - c. The written authorization is submitted to the Director and IDEQ.
3. Changes to authorization. If an authorization under Part VI.E.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part VI.E.2 must be submitted to the Director and IDEQ prior to or together with any reports, information, or applications to be signed by an authorized representative.
 - a. Certification. Any person signing a document under this Part must make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the

information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

F. Availability of Reports

In accordance with 40 CFR Part 2, information submitted to EPA pursuant to this permit may be claimed as confidential by the permittee. In accordance with the Act, permit applications, permits and effluent data are not considered confidential. Any confidentiality claim must be asserted at the time of submission by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice to the permittee. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR Part 2, Subpart B (Public Information) and 41 Fed. Reg. 36902 through 36924 (September 1, 1976), as amended.

G. Inspection and Entry

The permittee must allow the Director, IDEQ, or an authorized representative (including an authorized contractor acting as a representative of the Director), upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the co-permittees' premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

H. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, nor any infringement of state or local laws or regulations.

I. Transfers

This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the co-permittees and incorporate such other requirements as may be necessary under the Act. (See 40 CFR §122.61; in some cases, modification or revocation and reissuance is mandatory.)

J. State/Tribal Environmental Laws

1. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the co-permittees from any responsibilities, liabilities, or penalties established pursuant to any applicable State/Tribal law or regulation under authority preserved by Section 510 of the Act.
2. No condition of this permit releases the co-permittees from any responsibility or requirements under other environmental statutes or regulations.

K. Oil and Hazardous Substance Liability

Nothing in this permit shall be constructed to preclude the institution of any legal action or relieve the co-permittees from any responsibilities, liabilities, or penalties to which the co-permittees is or may be subject under Section 311 of the CWA or Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

L. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to the circumstances, and the remainder of this permit shall not be affected thereby.

VII. REOPENER CLAUSE

This permit may be modified, or alternatively, revoked and reissued, to address the application of different permit conditions if new information, (such as future water quality studies and waste load allocation determinations) or new regulations, show the need for different conditions. If there is evidence indicating that the storm water discharges authorized by this permit cause, or have the potential to cause a violation of a water quality standard, EPA may reopen this permit to include different limitations or requirements.

VIII. DEFINITIONS AND ACRONYMS

All definitions contained in Section 502 of the Act and 40 CFR Part 122 apply to this permit and are incorporated herein by reference. For convenience, simplified explanations of some

regulatory/statutory definitions have been provided but, in the event of a conflict, the definition found in the statute or regulation takes precedence.

“Administrator” means the Administrator of the EPA, or an authorized representative.

“Best Management Practices (BMPs)” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

“Control Measure” as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the United States.

“CWA” or “The Act” means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended by Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et seq.

“Director” means the Environmental Protection Agency Regional Administrator, the Director of the Office of Water and Watersheds, or an authorized representative.

“Discharge” when used without a qualifier, refers to “discharge of a pollutant” as defined at 40 CFR §122.2.

“Discharge of Storm Water Associated with Construction Activity” as used in this permit, refers to a discharge of pollutants in storm water runoff from areas where soil disturbing activities (*e.g.*, clearing, grading, or excavation), construction materials or equipment storage or maintenance (*e.g.*, fill piles, borrow areas, concrete truck washout, fueling) or other industrial storm water directly related to the construction process are located. (See 40 CFR §122.26(b)(14)(x) and 40 CFR §122.26(b)(15) for the two regulatory definitions of storm water associated with construction sites.)

“Discharge of Storm Water Associated with Industrial Activity” is defined at 40 CFR §122.26(b)(14).

“Discharge-related Activities” include: activities which cause, contribute to, or result in storm water point source pollutant discharges and measures to control storm water discharges, including the siting, construction, and operation of best management practices to control, reduce or prevent storm water pollution.

“Discharge Monitoring Report or DMR” means the EPA uniform national form, including any subsequent additions, revisions or modification for the reporting of self monitoring results by co-permittees. See 40 CFR §122.2.

“EPA” means the Environmental Protection Agency Regional Administrator, the Director of the Office of Water and Watersheds, or an authorized representative.

“Facility or Activity” means any NPDES “point source” or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

“IDAPA” means Idaho Administrative Procedure Act.

“IDEQ” means the Idaho Department of Environmental Quality.

“Illicit Connection” means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

“Illicit Discharge” is defined at 40 CFR §122.26(b)(2) and means any discharge to a municipal separate storm sewer that is not entirely composed of storm water, except discharges authorized under an NPDES permit (other than the NPDES permit for discharges from the MS4) and discharges resulting from fire fighting activities.

“Industrial Activity” as used in this permit refers to the eleven categories of industrial activities included in the definition of discharges of storm water associated with industrial activity at 40 CFR §122.26(b)(14).

“Industrial Storm Water” as used in this permit refers to storm water runoff associated with the definition of discharges of storm water associated with industrial activity.

“MEP” or “maximum extent practicable,” means the technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in storm water discharges that was established by CWA Section 402(p). A discussion of MEP as it applies to small MS4s is found at 40 CFR §122.34.

“Measurable Goal” means a quantitative measure of progress in implementing a component of a storm water management program.

“MS4” means “municipal separate storm sewer system” and is used to refer to either a Large, Medium, or Small Municipal Separate Storm Sewer System. The term, as used within the context of this permit, refers to small MS4s (see definition below) and includes systems operated by a variety of public entities (*e.g.*, military facilities, prisons, and systems operated by other levels of government).

“Municipality” means a city, town, borough, county, parish, district, association, or other public body created by or under State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA.

“Municipal Separate Storm Sewer” means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special

districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA that discharges to waters of the United States; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

“National Pollutant Discharge Elimination System” or “NPDES” means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 402, 318 and 405 of the CWA. The term includes an “approved program.”

“Outfall” means a point source (defined below) at the point where a municipal separate storm sewer discharges to waters of the United States and does not include open conveyances connecting two municipal separate storm sewers or pipes, tunnels, or other conveyances which connect segments of the same stream or other waters of the United States and are used to convey waters of the United States.

“Owner or operator” means the owner or operator of any “facility or activity” subject to regulation under the NPDES program.

“Permitting Authority” means EPA.

“Point Source” means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

“Pollutant” is defined at 40 CFR §122.2. A partial listing from this definition includes: dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial or municipal waste.

“QA/QC” means quality assurance/quality control.

“QAP” means Quality Assurance Plan.

“Regional Administrator” means the Regional Administrator of Region 10 of the EPA, or the authorized representative of the Regional Administrator.

“Significant contributors of pollutants” means any discharge that causes or could cause or contribute to a violation of surface water quality standards.

“Small Municipal Separate Storm Sewer System” is defined at 40 CFR §122.26(b)(16) and refers to all separate storm sewers that are owned or operated by the United States, a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other

wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA that discharges to waters of the United States, but is not defined as "large" or "medium" municipal separate storm sewer system. This term includes systems similar to separate storm sewer systems in municipalities such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas such as individual buildings.

"Storm Water" is defined at 40 CFR §122.26(b)(13) and means storm water runoff, snow melt runoff, and surface runoff and drainage.

"Storm Water Management Program (SWMP)" refers to a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system.

"TMDL" means Total Maximum Daily Load, an analysis of pollutant loading to a body of water detailing the sum of the individual waste load allocations for point sources and load allocations for non-point sources and natural background. See 40 CFR §130.2.

"Waters of the United States" means:

1. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
2. All interstate waters, including interstate "wetlands";
3. All other waters such as interstate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - a. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - c. Which are used or could be used for industrial purposes by industries in interstate commerce;
4. All impoundments of waters otherwise defined as waters of the United States under this definition;
5. Tributaries of waters identified in paragraphs 1. through 4. of this definition;
6. The territorial sea; and

7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs 1. through 6. of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA (other than cooling ponds for steam electric generation stations per 40 CFR Part 423) which also meet the criteria of this definition are not waters of the United States. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

“Wetlands” means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.